

REMARKS

In a non-final Office Action mailed February 9, 2007, claims 1-13 and 30-34 were rejected under 35 U.S.C. § 102(e) as being anticipated by Elliott. Applicants respectfully traverse and request reconsideration.

As an initial matter, Applicants note that new claims 62-77 have been added by amendment above. New claims 62-77 do not add subject matter to the instant disclosure and are fully supported by the instant specification (see, e.g., paragraphs [0016] and [0036]). Applicants respectfully submit that new claims 62-77 are neither taught nor suggested by the prior art of record and are therefore in suitable condition for allowance. Additionally, it is noted that claims 14-16 and 35-41 are canceled, and claims 17-29 and 42-61 are withdrawn.

Applicants would like to thank Examiner for the courtesies extended during the telephone call with Applicants' representative on June 13, 2007, during which the amended and new claims above (previously submitted informally) were discussed.

Claims 1-13 and 30-34 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Elliott. Regarding claims 1, 5, 9 and 30, each of these independent claims has been amended above to recite that the at least one rule used to test for non-optimal use of the at least one container does so based on the event information and one or more degree of use characteristics, e.g., empty, partially-empty, etc., of the at least one container. Support for these amendments may be found at least in paragraphs [0016] and [0036] in the form of the various exemplary rules stated therein. In this manner, owners of such containers are able to ascertain more than the current location or current condition (i.e., environmental conditions) of objects, as taught by Elliott, but are able to gain operational insight into the utilization of the containers. Elliott fails to teach rules that test for non-optimal use based in part upon degree of use characteristics of the objects (containers) being tracked. For at least this reason, Applicants respectfully submit that

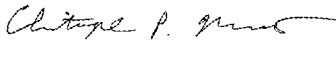
claims 1, 5, 9 and 30 are not anticipated by Elliott and are therefore in suitable condition for allowance.

Regarding claims 30-34, Applicants note that the current grounds of rejection are a verbatim repetition of the previous grounds of rejection presented in the Office Action mailed June 27, 2006. In Applicants' response of August 17, 2006 to the Office Action of June 27, 2006, Applicants presented arguments concerning the now-repeated ground of rejection. Despite this, neither the current Office Action nor the intermediate Office Action mailed October 24, 2006 (consisting of a restriction requirement only) addressed Applicants' arguments presented in their response of August 17, 2006. In accordance with M.P.E.P. §707.07(f), ¶3, Applicants respectfully request that any forthcoming Office Action, if any, take note of these previously presented arguments and answer the substance of them.

Finally, Applicants also note that claims 2-4, 6-8, 10-13 and 31-34 are dependent upon independent claims 1, 5, 9 and 30, respectively. Because claims 2-4, 6-8, 10-13 and 31-34 incorporate the limitations of the independent claims from which they depend, which independent claims are not anticipated by Elliott as shown above, Applicants respectfully submit that Elliott therefore fails to anticipate claims 2-4, 6-8, 10-13 and 31-34, which claims are in suitable condition for allowance.

Applicants respectfully submit that the claims are in condition for allowance and respectfully request that a timely Notice of Allowance be issued in this case. The Examiner is invited to contact the below-listed attorney if the Examiner believes that a telephone conference will advance the prosecution of this application.

Respectfully submitted,

By: 

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